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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,998

11/03/2003

Victor H. Garmong

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EXAMINER

NGO, HUNG V

ART UNIT

PAPER NUMBER

2831

MAIL DATE

DELIVERY MODE

11/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/699,998

Applicant(s)

GARMONG, VICTOR H.

Examiner

Hung V. Ngo

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09-07-07
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 145-222 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 145-162, 181-198 and 215-222 is/are allowed.
- 6) ☒ Claim(s) 163-166, 170-180, 199 and 200 is/are rejected.
- 7) ☒ Claim(s) 167-169 and 201-214 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 163-166, 172 are rejected under 35 U.S.C. 102(b) as being anticipated by Massey et al (US 5,966,104).

Re claim 163, Massey disclose an articulated mast for supporting a weight of at least one object vertically above a surface, said articulated mast comprising: an up standing load bearing base member (70); a first rigid load bearing mast segment (54) pivotally coupled to said base member and being selectively movable back and forth between an initial folded position and extended position wherein said first mast segment is coaxially aligned with a portion of said base member (Fig 5a, Fig 5b); and a second rigid load bearing mast segment (56) pivotally interconnected to said first rigid mast segment wherein said first and second rigid mast segments are selectively pivotable relative to each other between initial folded position wherein said first and second rigid mast segments are coaxially aligned with each other and other positions wherein said second rigid mast segment is

adjacent to said first mast segment and a second extended portion, wherein said second rigid mast segment is aligned with said first segment to transfer the weight of the at least one object to said upstanding base member (Fig 5b).

Re claim 164, further comprising means (mechanism) (abstract) for pivoting said first mast segment between said position wherein said first mast segment is coaxially aligned with said portion of said base member and other positions wherein said first mast segment is not coaxially aligned with said base member.

Re claim 165, wherein said means for pivoting comprises a device selected from the group of devices consisting of a hydraulic cylinder, a pneumatic cylinder, and a stepper motor (col. 3, line 30).

Re claim 166, wherein said first mast segment is pivotally coupled to said base member by a first joint assembly comprising: a first hinge block coupled to an end of said base member; and

a second hinge block pivotally hinged to said first hinge block and coupled to an end of said first mast segment (Fig 5b).

re claim 172, a second mast segment is pivotally coupled to an end of the first mast segment (Fig 5b).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 170, 171, 173-180, 199, 200 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey et al (US 5,966,104).

Re claim 180, an antenna (12)

Re claim 200, see Fig 5b.

The teaching of Massey et al as discussed above does not disclose the first and second hinge blocks made of metal (re claims 170, 171), a third mass segment, fourth, fifth sixth hinge blocks (re claims 173-179, 199).

Re claims 170, 171, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use metal for the hinge blocks of Massey et al for intended purpose, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Re claims 173-179, 199, It would have been obvious to one having ordinary skill in the art at the time the invention was made include the additional mass segments and hinge blocks with the antenna assembly of Massey et al, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

***Allowable Subject Matter***

Claims 145-162, 181-198, 215-222 are allowed.

Claims 167-169, 201-214 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 09-07-07 have been fully considered but they are not persuasive.

Applicant argument has been considered, the structure of Massey et al is functional as claimed and it has been addressed in previous paragraphs

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Thursday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVN  
11-26-07

*Hung V Ngo*

**HUNG V. NGO  
PRIMARY EXAMINER**